



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES DEPARTMENT

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3135 FAX: 303-621-3165



MINUTES ELBERT COUNTY PLANNING COMMISSION MEETING May 30, 2013

Note: These meeting minutes are only a summary of the meeting. Duplications of the audio recording are available, for a fee, by contacting Community & Development Services.

The regular Planning Commission Meeting was called to order at 7:00 p.m. by Chairman, Grant Thayer.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commission members present: Ron Turner, Paul Crisan, Rick Brown, Sue Link, Grant Thayer and Bob Ware.

Staff present: Kyle Fenner – Director, CDS, Carolyn Parkinson - Floodplains Manager – Planner, Faith Mehrer – Administrative Assistant

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S):

A. Carolyn Parkinson informed the Planning Commission that the Board of County Commissioners did not have any land use hearings since the Planning Commission last met. She also introduced Kyle Fenner as the new Director of Community and Development Services.

CONSENT CALENDAR:

COMMUNITY INPUT:

PUBLIC HEARINGS:

A: SR 13-0002 Front Range Pipeline

- a. Carolyn Parkinson presented a proposal to the Planning Commission for approval of a 16” diameter pipeline to cross a portion of Elbert County, for the transport of natural gas liquid. The proposal included a request for a 1041 permit to be associated with SR 13-0001. The pipeline, approximately 36 miles, would be placed within easements acquired from private property owners and public ROWs and would be installed to follow an existing pipeline ROW with some diversions. Construction should begin in August of 2013 and is expected to be completed within 6 months. The proposed pipeline includes two mainline valves and a pump station. The applicant chose to submit the application for the pump station at a later date. The pipeline will primarily cross agriculturally zoned land without disruption to the use of private property, as it will be buried to a minimum depth of 48 inches below the surface. Because the pipeline crosses 8 floodplains and over 40 wetland resource areas, a floodplain permit application and letter of “no impact” has been submitted and reviewed. For environmental considerations, the applicant is also required to obtain a 404 permit from the Army Corps of Engineers and they have submitted a wildlife mitigation plan. Any waste to be disposed of will be done using Best Management Practices. The County requested that no maintenance or re-fueling of construction equipment be conducted within 1000 feet of a water body. The applicant rejected this request. To minimize potential traffic impacts, the majority of construction vehicles will travel and park within the ROW. Employee vehicles will use County Roads. Community & Development Services Staff is satisfied that all requirements have been met and recommends approval with 17 conditions.**
- b. Rick Brown asked if the pump station would be reviewed separately. Carolyn stated that it would .The applicant was not able to provide the appropriate documents in time. Rather than push the date of the hearing out, they wanted to proceed with the Special Use process for the pipeline and submit the pump station separately.**
- c. Bob Ware asked if the water supply source had been decided. Carolyn answered that they plan get their water from the Town of Kiowa.**
- d. Rick Brown stated that there were a lot of conditions and asked why those conditions had not yet been met. Carolyn responded that she would have preferred the conditions to have already been taken care of. The applicant wished to proceed with the hearing.**
- e. Rick Blake of Enterprise Products Pipelines, the applicant, came forward and stated that he was happy to answer questions.**
- f. Grant Thayer asked about the existing pipeline that carries refined products. He asked if the purpose for co-locating the lines was mutual interest. The**

applicant stated that there is no mutual interest, that they are only co-locating not co-using.

- g. Paul Crisan asked if the applicant would be using local fueling services. The applicant responded that they would be using local sources. Paul asked why the applicant was waiting to apply for the pump station. The applicant explained that the hydraulics are currently being developed.**
- h. Rick Brown asked if the applicant was aware that, if they receive approval for the pipeline now, it does not ensure approval of the pump station in the future. The applicant confirmed that they do understand.**
- i. Rick Brown asked if there were wildlife mitigation surveys currently being done. Jason stated that there are. Rick asked if they were doing them early. Jason stated that they do them early to locate nest areas without disturbing them. They will create buffers when construction begins. They would continue construction until they are no less than a mile from a nesting area, skip that portion of construction and move on outside of the nesting area. After the nesting season has passed, they would return to those sites to complete construction.**
- j. Sue Link asked about noxious weed mitigation. The applicant explained that all noxious weeds would be identified and they would remove the seeds from all equipment before moving on to uninfected areas.**
- k. Chad Gilbert prepared a letter that detailed his concerns with the project. He read that he does not promote the Front Range pipeline. His first concern was in reference to the liquids pipeline and the limited State and County resources to ensure proper construction of the pipeline. Second, the type of traffic that the project would bring to Elbert County's roads has the potential of being disastrous. Third, the requirement to notify residents within 500 feet of the project is not enough. Should there be an explosion or pinhole leak, people within 2000 feet would be affected and, the County is not prepared for a massive spill. He also listed what he felt should be required of the applicant before approval and stated that it would minimize traffic problems and disturbances to community and environment if the project were to be carried out in winter months. His complete letter is available in the Community & Development Services Department.**
- l. Kevin Miller, a representative for heavy equipment operators stated that there are hundreds of Colorado operators that are experienced in pipelines. He feels that the people hired for a project such as this should be operators that specialize in this area. He went on to say that hiring Colorado residents is good for Colorado's economy.**

- m. Robert Terrant supports safe construction of pipelines but does not feel confident in the contractor that was awarded this job. He also would like to see local contractors hired for the project. He asked that approval not be given before the pump station has been reviewed.**
- n. Jim Duvall pointed out that there are some issues that should not be ignored. The applicant did not submit documents and details for the pump station, and we don't have a clear indication of where the water they will need is going to come from.**
- o. The applicant stated that Colorado is a right to work state, there is no requirement to hire union workers. He has confidence in the chosen contractor.**
- p. Grant Thayer asked if there would be local contractor opportunities. The applicant stated that there may be possibilities with re-seeding, restoration and fuel suppliers.**
- q. Paul Crisan asked what the applicant's liability insurance coverage is. The applicant responded that it is \$10,000,000 per incident.**
- r. The applicant stated that they have a full spectrum of safety standards that must be followed, regulated by PHMSA (Pipeline Hazardous Material Safety Administration).**
- s. Grant Thayer stated that the pipeline Special Use permit being presented separate from the pump station has caused some confusion. He asked if the Planning Commission would have an opportunity to review the application for the pump station prior to beginning construction of the pipeline. The applicant indicated that he thought that was possible.**
- t. Paul Crisan stated that he would like to see the complete application before making a decision. The applicant explained that they were behind in getting the process started. Carolyn Parkinson stated that it would be impossible to see the pump station before construction because of time frames for referrals and other items related to the Special Use process. Paul Crisan closed his statement by saying that he needs to see the whole project to determine if it will benefit the County.**
- u. Grant Thayer stated that some of these projects are done in phases. He asked the applicant if this Special Use proposal to be looked at as phase 1 of the project. The applicant replied that this is stage one and that pipeline construction was always planned to begin before the pump station.**

- v. Rick Brown asked how much water the Elbert County portion of the pipeline will need. The applicant stated that one million, five hundred thousand gallons of water would be needed. Rick asked if the applicant was in discussions with Elizabeth and Kiowa for water. The applicant stated that Elizabeth denied their request for water. Kiowa granted up to 30,000 gallons per day for an unspecified period. Rick asked how much water would be needed for dust mitigation, the applicant did not know how much or from where the water would be obtained, at this point.
- w. Rick Brown asked what safeguard they put in place for cattle. The applicant stated that they typically leave a gap in the ditches where the cattle can cross. If there is any cattle are lost or injured, they will reimburse the owner.
- x. Grant Thayer addressed the Planning Commission stating that it is not Atypical for a project like this to be presented in stages. He asked that they consider this in making their decision.
- y. Rick Brown said that they should have details of the entire project. They can't start until the details of the water have been determined. He also said that 30,000 gallons is a lot of water for a town without water. Grant Thayer reminded Rick that Kiowa does have the right to sell their water. Rick went on to say that he feels that the pump station is an integral part of this project and it should have been rolled into the application. He recognized the applicant's need to begin by their deadlines, but he can't make a decision based on their timelines. He feels the application is incomplete.
- z. Paul Crisan said that he is not opposed to the pipeline however, he needs all the facts before he can make a decision.
- aa. Sue Link shared some of the same concerns that had been mentioned by other members of the Planning Commission. She is not willing to overlook her concerns because of the pressure of timelines and deadlines on the applicant's part.
- bb. Bob Ware felt that there is too little known about the pump station and the water. There are too many loose ends and he feels uncomfortable approving this without having all the information.
- cc. Grant Thayer stated that he does not have problem with the project being done in phases but, with the concern that it has generated, he asked the applicant to consider continuing the hearing so that the applicant can address these concerns, present information on the pump station and make some progress on the conditions of approval. The applicant agreed to this.

dd. Paul Crisan made a motion to continue SR 13-0002 and 1041 permit to a date certain of June 27, 2013. Bob Ware seconded the motion. Motion carried 6 to 0.

ee. The meeting adjourned at 10:53 PM

UNFINISHED BUSINESS:

NEW BUSINESS:

ANNOUNCEMENTS: